

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO. MJ 15-580
Plaintiff,)
v.) DETENTION ORDER
RAMOS LAZO GUTIERREZ,)
Defendant.)

)

Offenses charged:

Defendant is charged in two of the four counts of the complaint:

1. Conspiracy to Distribute Cocaine, 500+ grams.

Potential imprisonment: 5 years minimum, 40 years maximum

2. Possession of cocaine with intent to Distribute, 500+ grams.

Potential imprisonment: 5 years minimum, 40 years maximum

Date of Detention Hearing: December 23, 2015.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will

01 reasonably assure the safety of other persons and the community, or defendant's future
02 appearances.

03 **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

04 (1) The Indictment charges defendant with two controlled substances offenses, each of which
05 carries a maximum penalty in excess of ten years of imprisonment. There is therefore a
06 rebuttable presumption of detention. Although some information has been presented in
07 support of defendant's request for release, the court is nevertheless required to give some
08 weight to the presumption. The court finds that the information in support of proposed
09 release does not effectively rebut the presumption.

10 (2) As outlined in the affidavit supporting the complaint, defendant participated in the display
11 and attempted sale of three kilos of cocaine to a person who turned out to be a confidential
12 informant. He also negotiation for the possible sale of 40-50 kilos of cocaine to the same
13 person, at a price of \$37,000 per kilo.

14 (3) During these discussions, a co-defendant possessed a Ruger pistol, which was loaded and
15 had a round in the chamber. That co-defendant has admitted to law enforcement that he
16 was hired to provide armed security to protect the cocaine dealers and the cocaine, and
17 that he was to receive \$3,000 to \$4,000 for providing this protection.

18 (4) Defendant's participation in these attempted sales of very large quantities of cocaine, and
19 his co-defendant's use of a loaded firearm, each raise very serious concerns about the
20 danger defendant would pose to other persons and the community if he were released.

21 (5) Defendant is not a U.S. citizen. It appears he is illegally present in the United States. The
22 government indicated that immigration authorities have lodged a detainer against him.

01 (6) If convicted of the charges in the complaint, defendant faces a mandatory minimum
02 sentence of five years. The maximum potential sentence is considerably higher. This
03 provides defendant a very substantial incentive to flee, if released.

04 (7) Defendant's prior record includes two serious traffic offenses. He failed to appear in
05 both cases, and bench warrants were issued.

06 (8) Defendant's parents and two siblings all reside in Mexico. While defendant's wife and
07 children reside in this area, there would nevertheless be very strong incentives for him to
08 flee to Mexico, if released.

09 (9) While he was negotiating to sell cocaine, defendant told his potential customer that he
10 belonged to an organization which identified an informer, and arranged to have him
11 murdered in Chicago.

12 (10) Defendant therefore presents a danger to other persons and the community, and a
13 significant risk of non-appearance. There are no conditions of release he can meet which
14 would adequately address these risks.

15 It is therefore ORDERED:

16 1. Defendant shall be detained pending trial and committed to the custody of the
17 Attorney General for confinement in a correction facility separate, to the extent
18 practicable, from persons awaiting or serving sentences or being held in custody
19 pending appeal;

20 2. Defendant shall be afforded reasonable opportunity for private consultation with
21 counsel;

22 3. On order of the United States or on request of an attorney for the Government, the

person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding;

4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 23rd day of December, 2015.

s/ John L. Weinberg
United States Magistrate Judge